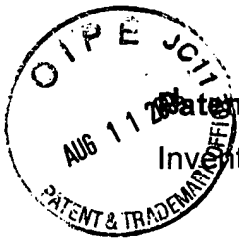


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**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**



Patent Application

Inventor David Thomas Neilson
 Roland Ryf

Case D. T. Neilson 8-4
Serial No. 09/896085 Group Art Unit 2874
Filing Date June 29, 2001
Examiner Kevin S. Wood
Title Imaging Technique For Use With Optical MEMS Devices

THE COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Applicant hereby appeals to the **Board of Patent Appeals and Interferences** from the decision dated April 6, 2004 of the Primary Examiner finally rejecting claims 1-10, 13-20, 22-24 and 27-32.

Please charge the amount of \$330.00, covering the Appeal Fee (37 CFR 1.17(b)), to Lucent Technologies Inc. Deposit Account No. 12-2325. Duplicate copies of this letter are enclosed.

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge Deposit Account No. 12-2325 as required to correct the error.

Please address all correspondence to Docket Administrator (Rm. 3J-219), Lucent Technologies Inc., 101 Crawfords Corner Road, Holmdel, New Jersey 07733-3030.

Respectfully,

08/12/2004 HALI11 00000034 122325 09896085

01 FC:1401 330.00 DA

By Eugene J. Rosenthal
Eugene J. Rosenthal, Attorney
Reg. No. 36,658

Lucent Technologies Inc.

Date: AUGUST 9, 2004

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

SHARON LOBOSCO
Name of Person Signing Certification

Sharon Lobosco
Signature

8/9/04
Date